

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: FOUNTAINS REZONE & PUD

Case Number: CPZ2006-00034, PLD2006-00078, PUD2006-00003, PSR2006-00060, SEP2006-00141, & EVR2006-00081

Location: 10301 NE 117th Avenue (A. K. A. State Route 503)

Request: The applicant is requesting to rezone approximately 19.22 acres from Light Industrial (ML) to Mixed Use (MX). The applicant also proposes a preliminary plat approval to subdivide the property into 203 town houses and attached cottages and three (3) commercial pads with a total area of 28,450 square feet; each commercial pad will be located on its own to be created through a binding site plan. The site's development will occur in three (3) phases. The site is currently zoned Light Industrial (ML).

Applicant: Harb Engineering, Inc
Attn: Gus Harb, P. E.
900 Washington Street, Suite 825
Vancouver, WA 98660

Contact Person: (Same as Applicant)

Property Owner: Ronald & Ruth Bernhardt
P. O. Box 1345
Brush Prairie, WA 98606

RECOMMENDATION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** September 20, 2006

Public Hearing Date: October 5, 2006

County Review Staff:

	<u>Name</u>	<u>Phone (360)</u> <u>397-2375, Ext</u>	<u>E-mail Address</u>
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Engineering Supervisor: (Trans. Concurrency):	Steve Schulte, P. E.	4017	Steve.schulte@clark.wa.gov

Comp Plan Designation: Mixed Use (MU)

Parcel Numbers: Tax Lots 17 (200075), 137 (200193), 18 (200076), located in the SW ¼ of Section 34, Township 2 North, Range 2 East of the Willamette Meridian

Applicable Laws:

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division Ordinance), 40.230.080 (ML), 40.230.020-1 (MX), 40.520.050 (Planned Unit Development), 40.520.040 (B) (Binding Site Plan), 40.260.230 (Townhouses), 40.610 (Impact Fees), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.500 (Process), RCW 58.17 (State Land Division Laws)

Neighborhood Association/Contact:

Greater Brush Prairie Neighborhood Association
Sam Kim, President
14915 NE 26th Avenue
Brush Prairie, WA 98606
(360) 896-7119

Time Limits:

The application was submitted and determined to be counter complete on June 30, 2006. It was determined to be fully complete on July 21, 2006 (see Exhibit No. 7). The

Therefore, the County Code requirement for issuing a decision within 92 days lapses on October 21, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on November 18, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 9, 2006. The pre-application was determined to be contingently vested as of February 14, 2006 (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on June 30, 2006 and determined to be fully complete on July 21, 2006. Given these facts the application was vested as of February 14, 2006. There are no disputes regarding vesting in this matter.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the Greater Brush Prairie Neighborhood Association and property owners within 300 feet of the site on August 2, 2006. One sign was posted on the subject property and two within the vicinity on September 20, 2006. Notice of the likely SEPA Determination and public hearing was published in "The Columbian" newspaper on August 2, 2006.

Public Comments:

The county received comments from the Southwest Clean Air Agency (Exhibit 11), the Washington State Department of transportation (WSDOT, Exhibit 12), and the Washington State Department of Ecology (Exhibit 13).

The letters from the Washington State Department of Ecology and Southwest Clean Air Agency indicate that the development site is not located near any known potentially contaminated site. The letters go on to provide advice regarding appropriate procedures needed to contain potential contaminants, (e. g., asbestos), if found during site development.

The letter from WSDOT expresses concerns regarding the potential impact of the development on State Route (SR) 503; and, advises that SR 503 from Mile Post 1.50 to Mile Post 2.99 is currently listed as high accident corridor (HAC). The proposed development is located within the HAC limits, which is defined as "a highway corridor 1 mile or greater in length where a five-year analysis of collision history indicates that the section has higher than average collision and severity factors." WSDOT indicates that mitigation for traffic impacts has to be borne by the developer and any agreements entered into between the developer and WSDOT must be approved by the Washington State Attorney General. WSDOT indicates that it will not be responsible for mitigation of potential noise impact from traffic on SR 503. (See the Engineering Services and

Project Overview

The applicant is requesting a three-phased site development comprising residential and commercial buildings that will occur in a planned unit development (PUD) as follows:

1. Rezone Tax Lot 17 (200075), Tax Lot 137 (200193) and Tax Lot 18 (200076) totaling approximately 19.22 acres from Light Industrial (ML) to Mixed Used (MX).
2. A preliminary plat approval to subdivide a portion of the subject property into 203 single-family attached (or townhouse) lots. The housing development would occur in 2-phases.
3. A binding site plan approval to create three lots for three commercial pads totaling 28,450 square feet.

The Mixed Use (MX) district is intended to provide the community with a mix of mutually-supporting retail, service, office and residential uses. It promotes physically and functionally coordinated and cohesive site planning and design to maximize land use. It encourages high-density, active urban environment development. Even though the site is currently zoned ML, the comprehensive plan designates it as Mixed Use (MU) and the comprehensive plan-to-minimum of zone implementation matrix shows that the only zone that implements the comprehensive plan mixed use (MU) designation is the mixed use (MX) zone. Therefore, for the development on these parcels to occur consistent with the MX approval standards, the Hearings Examiner must find and conclude the proposed zone change is consistent with the comprehensive plan.

Table 1 shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Mixed Use (MU)	Light Industrial (ML)	Flat, mostly vacant property. Two houses, one abandoned; the other in use. It has mature trees on the eastern section.
North	MU	ML	Riding staple and single-family housing and vacant property.
East	UL	R1-5 & UH-20 overlay zone	Five-acre proposed public park and acreage home sites.
South	Community Commercial (CC), Urban Medium (UM) & UL	C-3 & R1-6	Retirement home and single-family housing.
West	UL	R1-6	NE 117 th Avenue, single-family housing.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Sifton gravelly loam (SvA) on slopes ranging from zero to 5 percent. Maps from Clark County's GIS Mapping System indicate that the site does not contain any critical areas

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection District 5, Battle Ground School District, Orchards Traffic Impact Fees District, and Parks Improvement Districts 6 and 5. The City of Vancouver provides potable water and Clark Regional Wastewater District provides sewer services in the area, respectively.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

I. Zone Change [40.560.020 (H)]

Finding 1

The development proposal includes a request to rezone 3 tax lots, Tax Lots 17 (200075), 137 (200193) and 18 (200076), totaling approximately 19.22 acres from light industrial (ML) to mixed use (MX). The applicant proposes to subdivide the property into 203 residential lots to be developed with single-family attached dwellings within a

planned unit development. If the rezone to MX is approved, the applicant proposes a binding site plan to create 3 commercial lots totaling approximately 68,073 square feet (or approximately 1.56 acres)¹ from the 19.22 acres. The three nonresidential buildings will total of 28,850 square feet. Therefore, this development proposal includes reviews for a zone change, a preliminary subdivision plat approval and a binding site plan review approval. The development will occur in a planned unit development (PUD) in three (3) phases as shown on the preliminary plat, PUD site plan (Sheet #3 of 6). The development will occur as follows:

Table 2: The Phasing Development Plan

Phase 1	Phase 2	Phases 3 and 4
<ul style="list-style-type: none"> Construct 129 town houses and single-family attached dwellings to be designed as cottages with open spaces. 	<ul style="list-style-type: none"> Construct 74 town homes and provide additional open spaces and amenities consistent with the PUD requirements. 	<ul style="list-style-type: none"> Construct 3 commercial pads of up to 28,850 square feet that will include office and retail spaces.

Since the development proposals depend on the approval of the zone change, staff finds and concludes as follows:

Zone Change Approval Criteria

CCC 40.560.020 provides the policies and general guidelines governing changes to districts, amendments and alterations in Clark County. A request for a zone change is reviewed for compliance with the approval standards established in CCC 40.560.020 (H). The code requires that a zone change may be approved only when all the approval criteria are met. This review will evaluate the zone change request from ML to MX for consistency with each approval criterion [per CCC 40.560.020 (H)] as follows:

Approval Criterion 1: Consistency with the Comprehensive Plan

"Requested zone change is consistent with the comprehensive plan map designation."

Finding 2

Urban Plan Designation to Zone Consistency Chart (Clark County 20-Year Comprehensive Growth Management Plan 2003 – 2023, Revised September 2004, Table 1-4, page 1-10) shows that the only zone that implements the comprehensive plan designation of mixed use (MU) is the mixed use (MX) zone. This means that areas designated MU in the comprehensive plan map are implemented by uses that would be permitted outright, conditionally or by review and approval in the MX zoning district. Table 1-4, identifies the implementing zone for each plan designation, and shows that MU plan designation is implemented by the MX zone. Therefore, even though the site is currently zoned light industrial, a site development proposal that anticipates a mix of uses, including residential, commercial retail, office, service activities and so forth, consistent with the comprehensive plan policies, would require the property to be rezoned to MX. Staff finds that the proposed zone change is consistent with the stated plan policies; and therefore, should be approved.

¹ See Land Use Finding 9.a for additional evaluation.

Approval Criterion 2: Consistency with the Plan Policies and Locational Criteria

"The requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district."

Finding 3

Staff finds that the proposed zone change is consistent with the plan policies and locational criteria and purpose statement of the zoning district as follows:

A. Comprehensive Plan Mixed Use (MU) designation:

The proposed zone change from ML to MX is consistent with the plan policy, which requires that MX zone should implement the MU comprehensive plan designation. This plan designation is intended to provide the county with a mix of compatible urban retail, service, office and residential uses. The mix of uses should be mutually supporting; and pedestrian and transit oriented. The plan also states that pedestrian and transit orientation should be accomplished through the design requirements governing such elements as scale, bulk, street orientations, landscaping and parking.

B. Zoning: Mixed Use (MX) District:

The purpose statement stipulates that:

"The Mixed Use (MX) district is intended to provide the community with a mix of mutually-supporting retail, service, office and residential uses. It promotes physically and functionally coordinated and cohesive site planning and design which maximizes land use. It also encourages development of a high-density, active, urban environment which is expected to:

- "1. Achieve the goals and objectives of the community framework plan and the comprehensive plan;
- "2. Fulfill the community vision identified through the visual preference survey and other opportunities for public involvement;
- "3. Enhance livability, environmental quality and economic vitality;
- "4. Maximize efficient use of public facilities and services;
- "5. Provide a variety of housing types and densities;
- "6. Reduce the number of automobile trips and encourage alternative modes of transportation; and,
- "7. Create a safe, attractive and convenient environment for living, working, recreating and traveling."

Staff finds that the zone change from ML to MX should be supported because the applicant is proposing a development plan that is consistent with the intent of the MX zoning district. The proposed site plan, when implemented, will achieve the goals of the community frame work plan; fulfill the community vision, because the applicant has organized a neighborhood meeting to explain the development; provide a development plan that shows a mix of uses including providing areas to be developed for various commercial uses; and areas to be developed with a variety of housing densities. The property north of this site is planned MU, zoned ML and is used as a riding staple with a single-family dwelling. To the east is a five-acre public park and a proposed Harley Meadows Subdivision zoned R1-5, which requires an average minimum lot area of 5.000 square feet for residential development. The zoning to the south includes

community commercial (C-3) and residential R1-6 uses. The abutting southern property is being developed as a retirement home with a variety of residential types. To the west is NE 117th Avenue (SR 503) and additional residential R1-6 uses. Therefore, staff finds that the proposed zone change from ML to MX complies with the locational criterion.

Approval Criterion 3: Change in Conditions, Implements Plan Policies, Mapping Error

"The zone change either:

"a. Responds to a substantial change in conditions applicable to the area within which the subject property lies;

"b. Better implements applicable comprehensive plan policies than the current map designation; or,

"c. Corrects an obvious mapping error."

Finding 4

The property directly north of the site has a comprehensive plan designation of mixed use (MU), but zoned light industrial (ML). A zone change from ML to MX zone for the subject property would be consistent with the comprehensive plan policy that stipulates that the comprehensive plan designation of mixed use (MU) should be implemented by the mixed use (MX) zone. Further, the zone change to MX would be more compatible with the recently completed Retirement Homes on the abutting property than a light industrial development. Uses permitted under the MX zone would potentially be of less intrusive impact than many of the uses permitted in the ML zone. Finally, the only zone that implements the comprehensive plan designation of Mixed Use (MU) is Mixed Use (MX). (See Comprehensive Plan, p. 1-10) The need to change the zone from ML to MX, therefore, constitutes a change in circumstance that warrants the proposed zone change.

This request does not involve the correction to a mapping error. Conditions have substantially changed vis-à-vis the prevailing land uses in the area to warrant a zone change to address unanticipated land use need in the area, and the MX district would better implement the plan.

Approval Criterion 4: Adequate Public Facilities

"There are adequate public facilities and services to serve the requested zone change."

Finding 5

Zone change from ML to MX:

Adequate public facilities exist in the area to serve the proposed zone changes. The site abuts NE 117th Avenue (SR 503) to the west. The proposed development will need to comply with all the applicable standards established by the Washington State Department of Transportation (WSDOT) for developments impacting state highways.

The applicant will dedicate and construct NE 103rd Street to provide an east / west traffic circulation, NE 102nd Street to the south and NE 104th to the north will provide additional east / west traffic circulation. Additionally, north / south streets proposed include NE 118th Avenue and NE 120th Avenue. The development also proposes alleys that will be developed as public streets and will serve as ingress and egress for garages. The plat design provides pedestrian walkways and connects to the proposed Dogwood Park abutting the site to the west.

The proposed development will connect to public water and sewer services provided by the City of Vancouver and Clark Regional Waste Water District, respectively. Utility reviews from the service providers indicate that adequate services are available to serve the proposed development.

In conclusion, the proposed zone change is consistent with all the applicable approval criteria [per CCC 40.560.020 (H)]. The proposed zone change is consistent with the comprehensive plan policies that encourages land use and public transportation systems to be located near travel corridors and commercial centers; the provision of a variety of housing types and densities, including mixed use centers, services and amenities; and the development of multi-use neighborhoods, which are a mix of housing, jobs, stores, and public spaces, all within a well planned pedestrian environment (see Comp Plan Policies 1.3.1, 1.3.2, 1.3.4, 1.3.6 and 1.4.1 through 1.4.9 pp. 1-24 through 1-25). Staff also adopts the applicant's narrative and refers it to the Hearings Examiner by reference (see Exhibit 5, Narrative tab).

II. Planned Unit Development (CCC 40.520.080)

Approval Criteria

CCC 40.520.080 (E) establishes the standards and general requirements for a PUD review, which include parcel size, environmental constraints, building height and open space including landscaping and maintenance arrangement. CCC 40.520.080 (F) stipulates that 5 specific findings must be made prior to a PUD approval in the county. Staff finds that the proposed PUD can, with appropriate site plan, landscaping and building envelopes, comply with the applicable PUD standards and requirements, and the PUD approval criteria [per CCC 40.520.080 (E) (F)] because:

Approval criterion 1

The site is adequate in size and shape to accommodate the proposed use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to ensure that the proposed use is compatible with the neighborhood land uses

Finding 6

Staff finds that the development site comprises 3 tax lots of record totaling approximately 19.22 acres and adequate for a PUD project. The PUD is evaluated on the premise that the Hearings Examiner will accept staff's approval recommendation for the zone changes from MU to MX, as discussed in the Zone Change section of this report. Additionally, this development proposal was vested under the previous MX zoning ordinance that predates the new MX zoning ordinance adopted by Ordinance 2006-04-18 on April 25, 2006. The major difference between the two ordinances is that the new MX ordinance incorporates specific design standards, which were not available before.

The preliminary plat (Exhibit 5, Sheet # 3 of 6) provides a phasing plan and the land use information for the proposed PUD. (See Land Use Finding 1 for a full description of the phasing plan.) The proposed plat shows two large areas, Tract B and Tract C that are designated open spaces with trails and park facilities. The plat also shows five other green areas with a network of trails. Staff finds that the trails and open spaces, when implemented, would create a unique sense of place and pedestrian friendly community.

A home owners' association will be responsible for maintaining the open spaces, trails and parks per CCC 40.520.080 (E) (4) (a). (See Condition A-1a)

Finding 7

The preliminary plat (Exhibit 5, Sheet 4 of 6) shows that the applicant is proposing a mix housing types and varying lot areas. The applicant is proposing medium density residential density residential development. The proposed housing stock includes town houses, duplexes and duplex cottages. Except for the lots on the north, east and south sides, all internal lots will have garages in the rear yard through alleys. The applicant is proposing front yard setback of 10 feet measured from the front lot line, with the garage setback at 18 feet from the front lot line for lots fronting the street. Ordinarily, this development would be required to comply with the standards in Table 40.230.020-2 provides lot minimum lot area, minimum lot width and minimum lot depth standards, and Table 40.230.020-3 provides setbacks, lot coverage and building height standards. However, the applicant is proposing lot design and development standards that comply with the standards in Table 40.260.230-1, because this being proposed as a PUD. Therefore, the applicant shall provide a scaled building envelope with dimensions on each lot. (See Conditions A-1b and A-1c).

Approval criterion 2

The site relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. Adequate public utilities are available to serve the proposal.

Finding 8

Staff finds that the applicant is proposing public streets that will provide cross circulation in the area. (See Land Use Finding 5 and the Transportation section of this report for details.) Staff finds that implementation of the proposed street system will provide adequate street capacity and circulation for the proposed development.

Approval criterion 3

The proposed use will have no significant adverse effect on abutting property or permitted use thereof.

Finding 9

The applicable sections of the MX code, CCC 40.230.020 (E) provide development standards, which include the following:

- a. A minimum of twenty (20) percent of the building or development site in the MX district shall be nonresidential and minimum of twenty percent shall be residential. The percentage shall be calculated by determining the percentage of the net acreage devoted to each type of use.

In reviewing the Fountains PUD mixed use development, staff's findings are summarized in Table 4 below as follows:

Table 4: Land development per type of use

Total acres	ROW (in acres)	Net acres	Required 20% net acres in nonresidential uses	Proposed net acres in non residential uses ²	Net acres in residential use
19.22	7.10	12.12	2.42	1.56	9.7

Table 4 shows that the applicant is providing 1.56 acres for nonresidential uses (commercial, office and service activities), which is inadequate, based upon the net 12.12 acres available for development after subtracting the public right-of-way (ROW). The applicant will need to revise the preliminary plat to provide adequate acreage for nonresidential uses as specified in the code, CCC 40.230.020 (E) (1) (a). (See Condition A-1d)

b. The applicant is proposing single-family attached housing on lots ranging in area from 1,643 square feet for the smallest lot (Lot 168) to 2,655 square feet for the largest lot (Lot 1). The PUD section of the county code provides flexible plat design and lot area configuration in furtherance of the comprehensive plan policy. The proposed housing development will include single-family attached dwellings, town houses and cottages. The property to the north is a riding staple with an ML zoning, though comp planned mixed use. To the south, the property is developed as a retirement home that provides a variety of residential accommodation. To the west is NE 117th Avenue and single-family housing development. The properties to the east include a proposed Dogwood Community Park, and the proposed Harley Meadows subdivision.

In the MX district, CCC 40.230.020 (E) (1) (b) and (c) provide a minimum density of 12 units per acre and a maximum density of 43 units per acre. Table 5 below shows that the net acres available for residential development are approximately 9.94 acres (i. e. 12.42 acres – 2.48 acres). Therefore, net acreage of approximately 9.70 acres could be subdivided into a maximum of 417 lots or a minimum of 117 lots; but the applicant is proposing 203 lots.³

² Upon reviewing the draft Staff Report, the applicant has provided comments indicating that the 1.56 acres provided for nonresidential uses include 0.8 acres in open space (because open space is nonresidential use) bringing the total nonresidential use to 2.42 acres. Staff disagrees, because the applicable section of the MX code does not indicate that the provision of open space satisfies the required 20 percent net acreage to be dedicated for nonresidential uses per CCC 40.230.020 (E) (1).

³ The applicant indicates that approximately 3.80 acres of the site are being used for open space; but staff found that the data provided in the Site Information Table on Sheet #1 of 6, Exhibit 5, add up to 29,971 square feet and 3.80 acres; and the additional information provided on Sheet 3 of 6, Exhibit 5 appear to involve double counting. Since the open space area is not subtracted from the density calculation, the actual acreage of the development site dedicated for open space does not matter here. However, there is a need to have the data consistent so that an accurate evaluation of the development proposal could be done.

Table 2: Density calculation based on the net acreage per CCC 40.230.020 (E) (1) (a)

Zone	Net acreage	Acres in residential development (12.42 – 2.48 acres)	Maximum number of lots developable	Minimum number of lots developable	Proposed number of lots
MX	12.12	9.70	417	116	203

Staff finds that the proposed density for single-family attached housing and cottages can comply with the applicable density guidelines per the MX zone requirements. This development is not requesting a density bonus beyond that provided by the MX zoning district with the approval of the zone change request.

The applicant has provided conceptual architectural designs for residential development that include cottage duplexes, triplexes and four-attached single-family dwellings. The conceptual design provides building envelopes and with appropriate setback dimensions. Some of the unique housing features include varying roof-lines and facades. The conceptual design also shows tree-lined cobbled pedestrian walkways, roundabouts with fountains, park bench and bicycle rack. Staff adopts Sheet 4 of 6, Exhibit 5, and recommends it to the Hearings Examiner for approval (see Land Use Finding 9b and Condition A-1e).

Approval criterion 4

The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in the neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development.

Finding 10

Staff finds that the applicant will make the necessary improvements needed to connect the proposed development to public water and sewer systems to mitigate any potential public health impacts. The utility reviews from the City of Vancouver for potable water indicates that the existing fire flow in the area is estimated at 1,750 gallons per minute for 2 hours duration. Therefore, the applicant will need to ensure that adequate potable water is available to serve both the residential and nonresidential needs of the proposed Fountains PUD Subdivision. Clark Regional Wastewater District indicates that adequate capacity exist in the area to connect this development to sewer service (see Fire Protection Finding 3 and Condition A-8a).

Sidewalks will be provided for pedestrian circulation to mitigate potential negative impacts from this development to the public and persons residing or working in the area. This finding does not require a condition of approval.

Development Standards, MX District:

Finding 11

Ordinarily, the applicant would be required to comply with the applicable development

standards in the MX district, CCC 40.230.020 (E), regarding the provision of housing stock, the required minimum lot width and the minimum lot depth as shown in Table 40.230.020-2 and the setback standards as shown in Table 40.230.020-3.

However, because the applicant is proposing a PUD, this development shall also design and implement the Fountain PUD Subdivision in a manner that it would provide some unique design features and facilities including open storage, outdoor business activities, pedestrian access and building facades. *Lot design shall comply with Table 40.260.320.1 (Townhouse Ordinance), (see Condition A-1e)*

Approval criterion 5

The applicant has proposed unique or innovative design concepts to further specific policies of the comprehensive plan.

Finding 12

The design concept of this plat is substantially eclectic in character; because it provides a mix of lot areas for single-family attached housing and developments in the MX zoning district. The applicant is proposing public streets and open spaces and trails to serve the development. Another innovative feature of this development is the linking of the proposed Dogwood Park with its open spaces and trails. The open spaces and trails should be developed to be the focal point of the PUD. The proposed facilities in the open spaces, when implemented, could engender a sense of place that provides opportunities for passive and active recreation (see Condition A-1c).

III. Binding Site Plan Review

Finding 13

The MX code requires 20 percent of the net acreage to be used for non residential uses (i. e. commercial, office or service activities - see Land Use Finding 8, Table 4 for details). The applicant wishes to establish each commercial building pad as a separate lot through the binding site plan review process. CCC 40.540.020 (B) (4) (e) exempts the division of land zoned for industrial or commercial use into lots or tracts, when the responsible official has approved a "binding site plan" for use of the land in accordance with CCC 40.520.040 (Site Plan Review). The development in the nonresidential portion of the Fountains PUD is scheduled to occur during phase 3.

1. CCC 40.520.040 (B) states that the purpose of a binding site plan approval is to provide an alternative to the standard subdivision process for specific types of development. The code further states that the binding site plan shall only be applied for the purpose of dividing land for:
 - a. Sale or for lease of commercially or industrially zoned property as provided in RCW 58.17.040(4);
 - b. Lease as provided in RCW 58.17.040 (5) when no other structure other than manufactured homes or travel trailers are permitted to be placed upon the land; provided, that the land use is in accordance with the requirements of this title.
2. In addition to the requirements of a standard site plan, a binding site plan shall contain:

- a. Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
- b. Provisions making any development conform to the site plan.

Based upon the above, the applicant shall provide a recorded survey of each of the proposed three (3) lots created for commercial, office or service uses, as provided for in RCW 58.17.040 (5). (See Condition A-1f)

Finding 14

The following note shall be placed on the final site plan:

“Development proposed on any lot proposed by this binding site plan shall require additional review, if a change is proposed that triggers additional review, as defined in CCC 40.520.040 (A), or when a development is proposed, a Type 1 site plan review shall be required to provide proper traffic impact fees calculation for the Orchards TIF District.” (See Condition A-1g)

Site Plan Review Approval (CCC 40.520.040)

Approval Criteria:

CCC 40.320.010 provides landscaping and screening standards on private property. Perimeter landscaping usually requires native trees of a suitable nature planted 30 feet to the center together with three or four shrubs planted in between the trees in addition to the provision of appropriate ground cover. Landscaping type and buffer width are determined by the zoning on the abutting property to the development site.

Finding 15

The proposed development must provide the following buffers and landscaping schemes (per Table 40.320.010-1):

- a. On the north, the required landscaping is L2 within a 5 foot buffer;
- b. On the south, the required landscaping is L2 within a 10 foot wide buffer;
- c. On the east, the required landscaping is L2 within a 10 foot wide buffer; and,
- d. On the west, the required landscaping is L2 within a 10 foot wide buffer. (See Conditions A-7a)

Proposed landscaping Plan

Finding 16

Staff finds that the Conceptual Landscaping Plan (see Exhibit 5, Sheet 6 through 6), is adequate. The applicant is proposing perimeter landscaping on the boundaries of the site per the applicable sections of the PUD code and CCC 40.230.020 (E) (3) (MX development standards) (See Condition A-7b).

Off-Street Parking

Finding 17

Table 40.340.010-4 (G) (2) provides the following guidelines for off-street parking:

- a. One off street parking is required per 400 square feet of floor area for an office building. Staff finds that the 19 off street parking spaces proposed for the 7,600 square foot office building are adequate.

- a. One off street parking is required per 350 square feet of floor area for a commercial retail building. The applicant does not indicate that any commercial retail store is proposed that would fall within this category.
- b. One off street parking is required per 600 square feet of floor area for a commercial retail store and outlets selling furniture, automobile or other bulk merchandise. Staff finds that the 35 off street parking proposed for the 20,850 square of retail store that would sell automobile or bulk merchandise are adequate. The total off-street parking proposed for the commercial pads are 54 spaces.

However, if a use is proposed that requires more off-street parking than the applicant is providing, then a parking analysis shall be required as a Type 1 review (see Condition A-1h).

Handicapped Parking

Finding 18

Handicapped parking should be provided as follows:

Three handicapped off-street parking shall be provided for the commercial development [per CCC 40.340.010 (B) (6) and Table 1106-1, International Building Code (IBC), 2003]. Per Section 1106-5 of the International Building Code, 2003, one parking spot shall be a van-accessible space (see Condition A-1i).

Solid Waste Disposal

Finding 19

The Preliminary Site Plan shows an area for earmarked for solid waste disposal. Staff finds that this standard is met; therefore, no condition is necessary.

Loading Berths

Finding 20

Loading and off loading berths shall be provided consistent with Table 40.340.010-1 for each commercial building proposed in this development. If the applicant believes that proposed uses will not require a loading berth, then the applicant shall indicate such a use during review (see Land Use Finding 14 and Condition A-1j)

Drive through window:

Finding 21

If a branch bank with a service terminal is proposed, it shall provide adequate access and circulation that complies with the standards in CCC 40.340.020 (4) and Table 40.340.020-1. The bank shall provide a queuing space of 90 feet per service terminal; and the space shall not be used for backing and maneuvering space for parking, or other purposes. The plan under review does not indicate proposed uses; this information is provided for future reference (See Condition A-1k).

Outdoors Lighting

Finding 22

Outdoors lighting shall be shielded downwards to reduce the level of light and glare perceived beyond the property line, especially along the frontage of NE 117th Avenue and the rear yards of houses abutting properties to the north, east and south. (See Condition A-1l)

Traffic safety and Noise Impacts

Finding 23

Street design for the development should discourage motorists from speeding through the residential neighborhood. Two roundabouts are proposed, but the streets are so straight that they could provide a tempting opportunity for motorists to see who gets to the roundabout first. The applicant needs to consider providing features that would slow down traffic within the residential neighborhood (see Condition A-1m).

N. E. 117th Avenue (S. R. 503) runs north / south west of the development site. Vehicle traffic on S. R. 503 could be a source of excessive noise to the home owners and residents of this subdivision. The applicant shall be responsible for providing appropriate mitigation for potential noise impacts from traffic on S. R. 503. A note shall be placed on the final plat stating this (see Condition A-1n).

Neighborhood Meeting:

Finding 24

The applicant has provided documentation including notice, a 500 foot radius property owners' list, and a map showing the owners of parcels that were notified, a sign in sheet, and the minutes of the meeting showing that the code-mandated neighborhood meeting was held. This requirement has been fulfilled; therefore, no condition of approval is required.

Signs

Finding 25

Any proposed sign or signs for this subdivision shall comply with the applicable sections of the sign ordinance, CCC 40.310 (see Condition E-1).

Conclusion (Land Use):

Staff finds that the proposed preliminary plan could comply with the applicable sections of the code, subject to the implementation of the conditions identified above.

CRITICAL AREAS:

There are no known critical areas identified on this site.

TRANSPORTATION:

Finding 1 - Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act and the provisions of Section CCC 40.350.010 are required. The development plans propose sidewalks along all interior public streets, and several pedestrian paths throughout the site. In addition, a pedestrian trail has been designed to connect to Dogwood Park, which is located to the northeast of the development. Bike lanes are not required along Local Industrial and Local Residential Access roads. Staff finds that based on the proposed plan, pedestrian circulation complies with Section CCC 40.350.010. The requirements for offsite pedestrian access improvements are reviewed by the county planning staff.

Finding 2 – Crosswalks

The applicant is proposing to construct crosswalks with a decorative brick material. Per CCC Standard Details Manual, the pavement thicknesses specified do not include brick

as an alternative pavement material. Staff is concerned with the structural capacity of the brick section and the maintenance associated with a failing pavement section.

In addition, per the Washington State Department of Transportation Design Manual, a standard crosswalk marking consists of a series of wide white lines aligned with the longitudinal axis of the roadway. In accordance with MUTDC standards, the only red pavement markings permitted are special raised pavement markers which warn drivers not to enter one-way roadways or one-way ramps in the wrong direction. Therefore, crosswalks constructed with brick material and red colors do not meet the requirements of CCC 40.350. The final transportation plan shall provide crosswalks in accordance with CCC 40.350 requirements. (See Condition A-2a)

Finding 3 - Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), the purpose of the circulation plan is to ensure access to the proposed development and to provide adequate cross-circulation in a manner, which allows subsequent developments to meet the cross-circulation standards.

The project proposes to construct Local Residential Access roads throughout the site to serve the development and connect to the existing streets. NE 118th Avenue and NE 120th Avenue will provide north-south connections within the area.

The plan does not propose to extend NE 103rd Street to the east and provide east-west circulation. However, the applicant has concerns regarding circulation to the east (see exhibit 17). The adjacent property (parcel #11978-1000, PAC2006-00174) is currently undeveloped and zoned residential. Upon approval of rezoning this property to MX for residential use, cross-circulation to NE 124th Avenue will be required. Therefore, the final transportation plan shall include a stub road, constructed to Neighborhood Circulator standards, to the east property line to allow the extension of NE 103rd Street to connect NE 124th Avenue in the future. (See Condition A-2b)

Finding 4 - NE 117th Avenue (SR 503) Frontage Improvements

Washington State Department of Transportation has jurisdiction over NE 117th Avenue (SR 503) abutting the site on the west. Prior to approval of the construction plans, the applicant will be required to submit a letter signed by the authorized staff of WSDOT, which indicates that the plan meets the agency's minimum standards. (See Condition A-2c)

Finding 5 - Local Industrial Road

According to the Arterial Atlas (SR-503 Circulation Plan, Exhibit 32), NE 118th Avenue is classified as an industrial road. Per CCC Table 40.350.030-6 and Standard Drawing #22a, the minimum right-of-way dedication and improvements for a Local Industrial road include:

- A minimum width right-of-way of 50 feet
- A minimum width roadway of 32 feet
- Type A-1 Curb/gutter
- Minimum sidewalk width of 6 feet

The right-of-way dedication and roadway width improvements are consistent with CCC Table 40.350.030-6 and Standard Drawing #22A. However, the specified pavement design and curb types are not consistent with Standard Drawing #22A. In the final design, the applicant shall provide street improvements that are consistent with CCC Table 40.350.030-6 and Standard Drawing #22A. (See Condition A-2d)

Finding 6 - Neighborhood Circulator Road

NE 103rd Street is classified as a Neighborhood Circulator road. Per CCC Table 40.350.030-4, the minimum right-of-way dedication and improvements for a Neighborhood Circulator road include:

- A minimum width right-of-way of 54 feet
- A minimum width roadway of 36 feet
- Curb/gutter location
- Minimum sidewalk width of 5 feet

The applicant is proposing to construct NE 103rd Street as a Local Residential Access road. On the final plan, NE 103rd Street shall be designed to meet the standards for a Neighborhood Circulator road in compliance with CCC Table 40.350.030-4 and Standard Drawing #13. (See Condition A-2e)

Finding 7 - Local Residential Access Roads

NE 102nd Street, NE 104th Street, NE 120th Avenue and NE 121st Avenue are all classified as Local Residential Access roads. Per CCC Table 40.350.030-4 and Standard Drawing #14, the minimum right-of-way dedication and improvements for a Neighborhood Circulator road include:

- A minimum width right-of-way of 46-feet
- A minimum width roadway of 28-foot
- Minimum sidewalk width of 5 feet
- vertical curb & gutter

The proposed right-of-way and street improvements are consistent with CCC Table 40.350.030-4 and Standard Drawing #14.

Finding 8 – Urban Alleys

NE 102nd Loop, NE 104th Loop, NE 121st Loop and Alley B are proposed as Urban Alleys. The plan includes 26-feet of right-of-way and a 20-foot roadway width. The proposed plan meets the right-of-way dedications and improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing 19.

Per Section CCC 40.350.030(5)(c)(6), alley streets are defined as a secondary access to the back side of lots. The preliminary plat contains several areas (lots 117-128, lots 191-196, lots 170-174) that utilize an alley as a primary access. If urban alleys are utilized in the final design, a primary access to each lot shall be provided in accordance with CCC 40.350. (See Condition A-2f)

Finding 9 – Turnarounds

To conform to turnaround requirements of section CCC 40.350.030(B)(12)(b)(1), and Table 40.350.030-4, stubbed private and public roads greater than 150 feet in length that serve 4 or more lots shall provide an approved turnaround. The preliminary plat indicates that the proposed NE 103rd Street and NE 121st Avenue are longer than 150 feet. NE 103rd Street will be extended with future development, therefore a temporary turnaround shall be provided. NE 121st Avenue shall provide a permanent approved turnaround. Turnarounds shall be designed in accordance with county hammerhead (Drawings #32B or #32C) or cul-de-sac (Drawing #29 or #30) requirements. (See Condition A-2g)

Finding 10 – Roundabouts

The proposed plan includes roundabouts at the intersections of NE 118th Avenue/ NE 103rd Street and NE 120th Avenue/ NE 103rd Street. The applicant is proposing to utilize design criteria for an urban cul-de-sac, per section CCC 40.350.030(B)(12)(a)(1)(b), for the roundabout design. The applicant has submitted a road modification for the roundabout design. Staff finds that this section is not applicable to roundabout designs.

Per CCC 40.350.030(C)(1), the WSDOT Design Manual is considered supplemental to the county standards. The applicant's traffic engineer shall conduct an analysis to determine the roundabout design characteristics for all intersections utilizing roundabouts, in accordance with the WSDOT Design Manual. On the final design drawings, the roundabouts shall be designed in accordance with the Washington State Department of Transportation (WSDOT) Design Manual. (See Condition A-2h)

Finding 11 – Sight Distance

The applicant has submitted a sight distance analysis indicating that the project complies with the sight distance requirements of Section CCC 40.350.030(B)(8). NE 117th Avenue has a posted speed limit of 40 mph. The approval criteria for intersection sight distance for a posted speed limit of 40 mph is 400 feet. The sight distances to the east and west of the access point were measured to be in excess of 400 feet. In addition, the WSDOT Design Manual contains requirements for roundabout intersection sight distances. The final engineering plans shall show sight distance triangles for all intersections. Landscaping, utility poles, and structures will not be allowed where required sight distance is impeded. (See Condition A-2i)

Finding 12 – Commercial Access

The project proposes to provide a 23-foot wide driveway approach from NE 118th Avenue. The access is located on the east side of the proposed commercial site, opposite and aligned with the proposed NE 104th Street. In accordance with Clark County Standard Details Manual, the commercial driveway shall be designed per drawing #F17. (See Condition A-2j)

Finding 13 - Landscaping

The applicant proposes landscaping along the onsite local access roads, open spaces and in the central island of the roundabouts. Landscaping along the frontages of public residential access roads is neither required nor prohibited. The applicant shall ensure that the landscaping plan is prepared in conformance with Section 'G' of the Standard Details Manual, that no sight distance obstructions would result due to such

landscaping, and that no potential conflict for placement of utilities is created. The homeowners' association or others declared on the face of the plat will be responsible for long-term maintenance of landscaping. Furthermore, in areas where detached sidewalk is proposed, curbs shall be of the type E-1 or A-1 per Standard Details Manual, Drawing #F18. (See Condition A-2k)

Finding 14 - Road Modifications

Approval Criteria: If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:

- a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions imposing an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship.*
- c. An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. Application of the transportation standards to the development would be grossly disproportional to the impacts created.*

Modification Request (Design Modification): The applicant is proposing to construct a roundabout at the intersections of NE 118th Avenue and NE 103rd Street utilizing design criteria for an urban cul-de-sac described in section CCC 40.350.030(B)(12)(a)(1)(b). However, the applicant is requesting a design road modification to reduce the pavement width from 30 feet to 25 feet around the proposed roundabout (traffic circle).

Staff's Evaluation: The proposed plan includes a roundabout at the intersections of NE 118th Avenue and NE 103rd Street. The applicant is proposing to utilize design criteria for an urban cul-de-sac, per section CCC 40.350.030(B)(12)(a)(1)(b), for the roundabout design. Staff finds that this section is not applicable to roundabout designs.

The Washington State Department of Transportation (WSDOT) Design Manual addresses specific design criteria for roundabouts. Per CCC 40.350.030(C)(1), the WSDOT Design Manual is considered supplemental to the county standards, and therefore, shall be utilized in the final design and construction.

Staff's Recommendation: Based upon the above finding, staff finds that the approval criteria for a road modification are not met. Staff recommends DENIAL of the requested modification.

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 1: Trip Generation

County concurrency staff has reviewed the proposed Fountains Rezone and PUD development consisting of 203 townhouses and 28,540 square feet of retail uses replacing two existing single-family homes. The applicant's traffic study has estimated the net weekday AM peak-hour trip generation at 116 new trips, while the net PM peak-hour trip generation is estimated at 175 new trips using nationally accepted data published by the Institute of Transportation Engineers. The site is located east of NE 117th Avenue, both north and south of proposed NE 103rd Street.

The Washington State Department of Transportation (WSDOT) has been solicited for comment on this application and they will make comments directly to the planner. They will likely be addressing issues of access to NE 117th Avenue (SR-503) as well as congestion and safety issues at the intersection of NE 99th Street and NE 117th Avenue.

Finding 2: Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. All of the site access intersections analyzed in the applicant's traffic study will have an estimated LOS D or better during the peak traffic hours at the future build-out of the proposed development.

Two site access options onto NE 117th Avenue were analyzed in the applicant's traffic study. Option 1 includes a right-in and right-out only access to NE 117th Avenue, while option 2 does not include access to NE 117th Avenue.

Finding 3: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B). The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. The County's TraffixTM model includes many of the intersections of regional significance in the area and the County's model, along with the applicant's traffic study, was used to evaluate concurrency compliance. The modeling results and applicant's traffic study indicate that the operating levels comply with travel speed and delay standards.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant should reimburse the County for costs incurred in running the concurrency model. (See Transportation Concurrency Condition A-4a)

SAFETY

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 4: Traffic Signal Warrants

The applicant's traffic study analyzed traffic signal warrants at the site access onto NE 99th Street at NE 118th Avenue and found that signal warrants are not met. Signal warrants were not analyzed at the site access onto NE 117th Avenue because this access, if allowed by the WSDOT would only include right-in and right-out movements, so signal warrants would not be applicable. Staff agrees with the analysis; therefore, mitigation to install a traffic signal is not required.

Finding 5: Turn Lane Warrants

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study analyzed the need for turn lanes in the vicinity of the site and found that turn lane warrants are met for an eastbound left turn lane on NE 99th Street at NE 118th Avenue. County staff concurs with the analysis.

This proposed eastbound left turn lane on NE 99th Street at NE 118th Avenue would conflict with the need for a westbound left turn lane on NE 99th Street at NE 117th Avenue. Since the left turn lane at the NE 99th Street / NE 117th Avenue intersection is more critical, due to the more regional significance of the intersection, there will be a conflict with the need for back to back left turn lanes on NE 99th Street between NE 117th Avenue and NE 118th Avenue. Since both turn lanes cannot be accommodated within the existing right of way, and since the applicant's traffic generates the need for an eastbound left turn lane on NE 99th Street at NE 118th Avenue, this safety deficiency will need to be addressed by construction of a raised median on NE 99th Street. This median would need to extend from NE 117th Avenue on the west to just east of NE 118th Avenue and result in movements at the intersection of NE 99th Street and NE 118th Avenue being restricted to right-in and right-out only. (See Transportation Concurrency Conditions A-4b and D-1)

Finding 6: Historical Accident Situation

The applicant's traffic study analyzed the accident history at the intersections in the vicinity of the site. The historical accident rate at these locations does not exceed thresholds that would warrant additional analysis.

Finding 7: Sight Distance

Sight distance at the site access is addressed by Community Development; therefore, this issue will not be addressed here.

Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Finding 1 - Approval Criteria

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

This project will create more than 2,000 square feet of new impervious surface, and is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance CCC 40.380.

The Erosion Control Ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the Erosion Control Ordinance.

Finding 2 - Existing Conditions

The property is approximately 19.22 acres in size and contains an east-west ridge running along the center of the site. Therefore, the site generally slopes to the north and south from the middle of the site. In accordance with the county GIS mapping, the site contains slopes of 0-5% over 99% of the parcel, slopes of 5-10% over 1% of the parcel. The project site currently has one three single family homes, associated outbuildings, and a grass field covering the remainder of the site. All existing structures within the site will be removed prior to the construction of the PUD.

The Natural Resource Conservation Service (NRCS) indicates the site to be underlain by Sifton gravelly loam (100% of SvA). Sifton soils are classified by AASHTO as A-1 or A-2 soils and are designated as hydrologic group "B".

Finding 3 - Developed Conditions

The preliminary stormwater report indicates that the proposed development will include 203 residential lots and 1.56 acres of commercial use. The total area of new impervious surface consisting of roofs, driveways, and streets will be approximately 7.81 acres. The pervious area will be approximately 3.66 acres.

The runoff curve numbers for the developed property were determined based on the developments surface cover, soil type as defined in the "Soils Survey of Clark County, Washington," and hydrologic soils group in accordance with Table III-1.3 of the "Storm Water Management Manual for the Puget Sound Basin" for Type 1-A rainfall distribution.

Finding 4 - Stormwater Proposal

The project proposes to provide stormwater facilities to intercept, treat, and infiltrate stormwater runoff from this development to ensure that runoff does not have adverse effects in the area. The proposed infiltration systems are designed to infiltrate the 100-year storm events.

The project contains both residential and commercial uses and proposes to utilize three different infiltration systems, in which one facility will sever the commercial portion of the site. The proposed stormwater quality and quantity facilities for the residential portion of the development are located within two separate tracts (Tract A and Tract B). The applicant states that all roof drains will be discharged to individual drainage systems within each lot. The residential water quality vaults and infiltration facilities are proposed to be publicly owned and maintained by Clark County. Residential facilities are generally accepted by Clark County for ownership and maintenance.

The facilities for the commercial portion of the development are proposed to be located in an easement and publicly owned and maintained by Clark County. Clark County policy generally does not accept ownership and maintenance responsibility for stormwater facilities located in commercial areas. Per section CCC 40.380.030(D) and 40.380.030(H), proposed stormwater facilities to be publicly owned and maintained must be accepted by the responsible official. Staff has determined that stormwater facilities that serve commercial areas can be adequately owned and maintained by the commercial property owner(s). (See Condition A-5a)

Finding 5 - Water Quality Control

The preliminary stormwater report proposes to achieve the required stormwater quality control for runoff from pollution-generating surfaces by utilizing three Contech Stormwater Solutions StormFilter™ vaults containing 35, 30 and 15 cartridges, respectively. Runoff generated from pollution-generating surfaces will be collected and treated, prior to discharging to the infiltration systems. Stormwater from other surfaces will be directly discharged to the individual infiltration systems located on each lot. The project engineer certifies that the proposed storm facilities will be designed to treat 70% of runoff from the pollution generating surfaces due the 2-year, 24-hour storm events, as required.

Finding 6- Infiltration

The project proposes to utilize infiltration as a method of stormwater quantity control. According to the Stormwater & Erosion Control Ordinance (CCC 40.380), infiltration of the 100-year storm event is the preferred method of stormwater disposal from the developed site.

The applicant has submitted an infiltration testing report prepared for Prairie Park PUD located approximately 200 feet to the west of the proposed development. Per section

CCC 40.380.040(C)(3)(b), the applicant may utilize infiltration test results from properties located within one-quarter mile distance from the development.

The infiltration testing report was performed within the Prairie Park PUD by Columbia West Engineering, Inc. dated December 17, 2003. The subsurface exploration, consisting of 1 test pit, was conducted on December 12, 2003. The test pit location is shown in Figure 2 of geotechnical report. The laboratory test performed included a grain distribution analyses and AASHTO Specification M145 soil classification as required per the stormwater ordinance. In accordance with the provisions of CCC 40.380.40(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined as AASHTO Specification M145 are suitable for infiltration. The test data are summarized in the following table:

DATE	TEST PIT NO.	DEPTH (FT)	% PASSING #200 SIEVE	INFITRATION RATE (IN/HR)	AASHTO CLASSIFICATION
12/12/03	1	8.0	2.9	230	A-1-b(0)

Per CCC 40.380.040(C)(3)(d), the minimum design infiltration rate shall have a safety factor of 2. In the preliminary analysis, the applicant's engineer selected a design infiltration rate of 100 inches per hour for the design of the facilities. Therefore, the applicant has met the standards outlined in this section.

In order to ensure that the proposed stormwater infiltration facilities will function as designed, the infiltration rate used in the stormwater analysis shall be verified prior to final plan approval and during construction of the stormwater facilities. In accordance with the provisions of Section CCC 40.380.040(C)(3)(a), soil suitability for infiltration shall be determined by a qualified geo-technical engineer through both approved field-testing and laboratory testing. (See Condition A-5b)

Finding 7 - Infiltration Sacrificial System

The proposed stormwater runoff disposal is by infiltration, therefore it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system. In order to protect the infiltration facilities from plugging during the construction of the subdivision and homes with the proposed lots, all runoff shall be conveyed to an onsite sacrificial system or be contained by other approved methods until such a time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. (See Condition C-3a)

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Marshal Review

Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom

at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Condition B-1a and E-2).

Fire Flow

Finding 3

Fire flow in the amount of 2,250 gallons per minute (gpm) supplied at 20 psi for 2 hours duration is required for this application. The fire flow at the site is estimated at 1,750 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. The applicant shall contact the Fire Marshal to discuss alternative methods for meeting the fire flow (see Conditions A-8a and B-1a).

Fire Hydrants

Finding 4

Fire hydrants are required for this application. Provide commercial fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads (see Condition A-8b).

Finding 5

The fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval. The applicant shall provide and maintain a 3-foot clear space completely around every fire hydrant (see Condition A-8c).

Fire Apparatus Access

Finding 6

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (See Condition A-8d).

Fire Apparatus Turnarounds

Finding 8

Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standard at the east terminus of NE 103rd Street (see Condition A-8e).

Parallel Parking

Finding 9

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING" (see Condition A-8f).

Fire Alarm

Finding 10

An approved fire alarm system is required at the time of construction for commercial buildings in excess of 5,000 sq. ft. Such systems require separate reviews permits and approvals issued by the fire marshal's office (see Condition A-8g).

HEALTH DEPARTMENT REVIEW:

Finding 1

Clark County Regional Wastewater District provides sewer service and the City of Vancouver provides potable water in the area. The utility reviews submitted by applicant indicate that adequate sewer service capacity is available; but the available fire flow from the City of Vancouver is not adequate. The applicant needs to ensure that adequate potable water is available to meet both residential and fire flow safety needs (see Condition E-3).

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition A-9)

Finding 3

All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied (see Condition D-3a)

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording (see Condition D-3b)

IMPACT FEES:

Finding 1

The site is located in the boundary of Park Impact Fee (PIF) Districts 5 and 6, Battle Ground School District Impact Fee (SIF), and Orchards Traffic Impact Fee (TIF) district. There are two existing single-family dwellings on the site; therefore, parks, school, and traffic impact fees will be assessed on 201 single-family attached new buildings of the proposed 203 new buildings. The impact fees for the buildings on the commercial lots shall be calculated when a use is identified.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, the parks, school, and traffic impact fees for this development proposal are:

<u>Use</u>	<u>Park District 5 PIF (1)</u> <u>Park District 6 PIF (2)</u>	<u>Battle Ground</u> <u>School District SID</u>	<u>Orchards TIF District</u>
1. Town houses, and duplexes	1. \$1,127.00 / d. u. 2. \$1,314.00 / d. u.	\$1,000.00 / d. u.	\$856.73 / d. u.
2. Three commercial lots	N/A	N/A	To be determined with the use as a Type I review

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Condition C-4f and D-3)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

The publication date of this (likely) DNS was August 2, 2006, and was issued under WAC 197-11-340. The lead agency did not act on this proposal until the close of the 14-day comment period, which ended on August 16, 2006.

Public Comment Expired on:

August 16, 2006

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Final Construction/Site Plan Review

Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Land Use

- a. The applicant shall provide home owners' covenants, conditions and restrictions (CC&R's), to be approved by the prosecuting attorney's office, for the maintenance of the community facilities (open space, trail, parks and landscaping areas) provided in this development (see Land Use Finding 6).
- b. The applicant shall comply with the lot dimensional and development standards in Table 40.230.020-2 and Table 40.230.020-3, except that these standards are modified by the PUD proposal; therefore, the development shall comply with the development standards in Table 40.260.230-1 (see Land Use Finding 7).
- c. The applicant shall provide a scaled building envelope and dimension on each lot to ensure that adequate building setbacks are established (see Land Use Finding 7).

- d. The applicant shall revise the site plan to indicate adequate net acreage dedicated for nonresidential development consistent with CCC 40.230.020 (E) (1) (a). (See Land Use Finding 9a)
- e. The applicant shall provide a site plan that incorporates the community facilities - park and open spaces, cobbled tree-lined trails, bicycle rack, park benches, roundabouts with fountains street lightings shown on Sheet 4 of 6 and Sheet 6 of 6 of Exhibit 5, which are adopted by this condition (see Land Use Finding 9b).
- f. The applicant shall provide a recorded survey of the 3 lots proposed for commercial, office and service uses as provided for in RCW 58.17.040 (5) prior to final plat recording (see Land Use Finding 13).
- g. **The following note shall be placed on the final site plan:**
“Development proposed on any lot proposed by this binding site plan shall require additional review, if a change is proposed that triggers additional review, as defined in CCC 40.520.040 (A), or when a development is proposed, a Type 1 site plan review shall be required to provide proper traffic impact fees calculation for the Orchards TIF District.” (See Land Use Finding 14)
- h. The following note shall be placed on the site plan stating as follows:
“The applicant shall provide an off street parking analysis, if a commercial use is proposed that requires more parking spaces than the applicant is providing.” (See Land Use Finding 17)
- i. The applicant shall provide 3 off-street parking spaces for the physically handicapped and one of those 3 spaces shall be van accessible (see Land Use Finding 18).
- j. The applicant shall provide a loading and off-loading berth for any building 5,000 square feet or more in area. (See Land Use Finding 20)
- k. **A note shall be placed on the final plat stating that:**
“If a use is proposed that incorporates a drive-through facility, the applicant shall provide adequate queuing appropriate for that use,” (see Land Use Finding 21).
- l. All outdoor lighting shall be shielded down to ensure that light and glare are not perceived beyond property boundaries, especially on NE 117th Avenue (S. R. 503) and the residential houses to the north, east and south. (See Land Use Finding 22)
- m. Street design and development shall include features that comply with the county’s transportation standards, but also discourage motorists from speeding in the residential neighborhood (see Land Use Finding 23).

n. The following note shall be placed on the final plat stating that:

“Traffic on NE 117th Avenue (S. R. 503) could potentially be a source of excessive noise; therefore, if noise originating from S. R. 503 becomes a problem to the residents, the applicant or a successor in interest shall provide appropriate noise mitigation measures. (See Land Use Finding 23)

A-2 Final Transportation Plan/On-Site

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a.** The final transportation plan shall provide crosswalks in accordance with CCC 40.350 requirements. (See Transportation Finding 2)
- b.** The final transportation plan shall include a stub road, constructed to Neighborhood Circulator standards, to the east property line to allow the extension of NE 103rd Street to connect with NE 124th Avenue in the future. (See Transportation Finding 3)
- c.** The applicant shall submit a letter signed by the authorized staff of Washington State Department of Transportation, which indicates that the plan meets the agency's minimum standards. (See Transportation Finding 4)
- d.** NE 118th Avenue shall be designed in accordance with Local Industrial road standards per CCC Table 40.350.030-6 and Standard Drawing #22A. (See Transportation Finding 5)
- e.** NE 103rd Street shall be designed to meet the standards for a Neighborhood Circulator road in compliance with CCC Table 40.350.030-4 and Standard Drawing #13. (See Transportation Finding 6)
- f.** In accordance with CCC 40.350, access to each lot shall be provided via a primary road. (See Transportation Finding 8)
- g.** Stubbed roads greater than 150 feet shall provide turnarounds designed in accordance with county hammerhead (Drawings #32B or #32C) or cul-de-sac (Drawing #29 or #30) requirements. (See Transportation Finding 9)
- h.** Roundabouts shall be designed in accordance with the Washington State Department of Transportation (WSDOT) Design Manual. (See Transportation Finding 10)
- i.** The final engineering plans shall show sight distance triangles for all intersections. Landscaping, utility poles, and structures will not be allowed where required sight distance is impeded. (See Transportation Finding 11)
- j.** Commercial use driveways shall be designed in accordance with Clark County Standard Details Manual drawing #F17. (See Transportation Finding 12)

- k. The proposed landscaping along the proposed access roads and in the central island of the roundabouts shall be in conformance with Section 'G' of Standard Details Manual, shall not result in sight distance deficiencies, shall not conflict with placement of utilities, and the long-term maintenance of landscaping shall be the responsibility of the homeowners association or others as declared on the face of the final plat. In areas where detached sidewalk is proposed, rolled curbs will not be allowed. (See Transportation Finding 13)

A-3 Transportation

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval. (Standard Condition)
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (Standard Condition)

A-4 Final Transportation Plan/Off Site (Concurrency)

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made prior to final site plan review. (Transportation Concurrency Finding 3)
- b. The applicant shall prepare and obtain approval of a signing, striping, and median design plan showing how the median and all related features will be installed on NE 99th Street between NE 117th Avenue and just east of NE 118th Avenue. (See Transportation Finding 5)

A-5 Final Stormwater Plan

The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The stormwater facilities located in the commercial area of the development shall be privately owned and maintained. (See Stormwater Finding 4)
- b. The infiltration rates used in the final stormwater analysis shall be verified prior to final plan approval and during construction by a licensed geotechnical engineer or a designated representative at the exact location and depth of the proposed stormwater infiltration facilities. (See Stormwater Finding 6)

A-6 Erosion Control Plan

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval:

A-7 Final Landscape Plan

The applicant shall submit and obtain county approval of final landscape plan designed in accordance with CCC 40.320, and the following conditions of approval:

- a-** For the commercial area, the applicant shall implement the following landscape standards:
 - i. On the north, the required landscaping is L2 within a 5 foot buffer;
 - ii. On the south, the required landscaping is L2 within a 10 foot wide buffer;
 - iii. On the east, the required landscaping is L2 within a 10 foot wide buffer; and,
 - vi. On the west, the required landscaping is L2 within a 10 foot wide buffer. (See Land Use Finding 15)
- b.** Per CCC 40.520.080 the applicant shall provide a final landscape plan meeting the L1 standard for review and approval. The L1 standard requires one tree to be planted to the center per 30 linear feet interspersed with four to six shrubs (see Land Use Findings 16 & 9).

A-8 Fire Marshal Requirements

- a.** Fire flow in the amount of 2,250 gallons per minute (gpm) supplied at 20 psi for 2 hours duration is required for this application. The fire flow available at the site is estimated at 1,750 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. The applicant shall contact the Fire Marshal to discuss alternative methods for providing the required fire flow (see Fire Protection Finding 3).
- b.** Fire hydrants are required for this application. The applicant shall provide commercial fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet from a fire hydrant as measured along approved fire apparatus access roads (see Fire Protection Finding 4).
- c.** Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-579-4418 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants (see Fire Protection Finding 5).
- d.** The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 6).

- e. Approved fire apparatus turnarounds are required for this project and shall comply with the Clark County Road Standards (see Fire Protection Finding 7).
- f. Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING" (see Fire Protection Finding 8).
- g. An approved fire alarm system is required at the time of construction for commercial buildings in excess of 5,000 sq. ft. Such systems require separate reviews permits and approvals issued by the fire marshal's office (see Fire Protection Finding 9).

A-9 Health Department Review

Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department (see Health Department Finding 2).

A-10 Other Documents Required

The following documents shall be submitted with the Final Construction/Site Plan:

a. Developer's Covenant:

A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.0. (Standard Condition)

A-11 Excavation and Grading

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252. (Standard Condition)

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- b. Prior to construction, fire flow in the amount of 2,250 gallons per minute (gpm) supplied at 20 pounds per square inch (psi) for 2 hours duration. The required fire flow is not available at the site. The applicant shall contact the Fire Marshal to discuss alternative methods for providing the required fire flow (see Fire Protection Finding 3).

B-2 Erosion Control

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control

Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Land Use

(See Conditions A-1a through A-10, A-7a and A-7b)

C-2 Transportation (Concurrency)

None

C-3 Stormwater

- a. All runoff from the site shall be conveyed to an onsite sacrificial system, a temporary sedimentation basin, or be contained by other approved methods until such a time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. (See Stormwater Finding 7)

C-4 Fire Marshal Requirements

The applicant shall comply with all the applicable requirements of the Fire Marshal consistent with the International Building and Fire Codes

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Land Use

(See Conditions A-1a through A-1n and 7a and 7b)

D-2 Concurrency

- a. The applicant shall install a median on NE 99th Street in accordance with the approved plans. In addition, the applicant shall obtain a reimbursable work order from Clark County Public Works for the striping and signage installation, unless modified by the Director of Public Works. (See Transportation Concurrency Finding 5)

D-3 Health Department Signature Requirement

- a. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied.
- b. The location of underground storage tanks must be identified on the final plat and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording.

D-4 Developer Covenant

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

a. Critical Aquifer Recharge Areas

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater/drinking supply protection."

b. Erosion Control

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

c. Responsibility for Stormwater Facility Maintenance

"For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060."

d. Archaeological

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

e. Impact Fees

"In accordance with CCC 40.610, except for Lot 1 and Lot 165 that are waived, the School, Park and Traffic Impact Fees for each of the remaining 201 of the 203 lots in this subdivision are:

<u>Use</u>	<u>Park District 5 PIF (1)</u> <u>Park District 6 PIF (2)</u>	<u>Battle Ground</u> <u>School District SID</u>	<u>Orchards TIF</u> <u>District</u>
1. Town houses, and duplexes	2. \$1,127.00 / d. u. 2. \$1,314.00 / d. u.	\$1,000.00 / d. u.	\$856.73 / d. u.
2. Three commercial lots	N/A	N/A	To be determined with a use as a Type I review

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-5 Addressing

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-6 Plat Notes

The following notes shall be placed on the final plat:

- a. "The applicant shall comply with the lot dimensional and development standards in Table 40.230.020-2 and Table 40.230.020-3, unless these standards are specifically modified by the Director or a designee," (see Land Use Finding 7).
- b. The following notes shall be added to the final plat: A-1g; A-1h; A-1k; and A-1n.
- c. Mobile Homes:
"Mobile homes are not proposed; therefore, they are not permitted on any lot."
- d. Sidewalks:
"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- e. Utilities:
"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- f. "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- g. Driveways:
"No direct access is allowed onto the following streets: NE 117th Avenue (S. R. 503)."
- h. Building Setback:
"Building setbacks shall be defined as the minimum horizontal distance between the property line and the foundation wall, exclusive of other building elements. Building Envelopes shall be defined as the minimum horizontal distance between the property line and the foundation wall, including all building elements"

E	Building Permits
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	Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Land Use

(See Conditions A-1a through A-1n and 7a and 7b).

E-2 Fire Marshal Requirements

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).

E-3 Health Department Review

The applicant shall provide all the improvement necessary to connect each lot to public water and sewer provided by the City of Vancouver and Clark Regional Wastewater District, respectively. The applicant shall ensure that adequate fire flow is provided as required by the Fire Marshal consistent with the International Building Code (see Health Department Finding 1).

E-4 Impact Fees

"In accordance with CCC 40.610, except for Lot 1 and Lot 165 that are waived, the School, Park and Traffic Impact Fees for each of the remaining 201 of the 203 lots in this subdivision are:

<u>Use</u>	<u>Park District 5 PIF (1)</u> <u>Park District 6 PIF (2)</u>	<u>Battle Ground</u> <u>School District SID</u>	<u>Orchards TIF</u> <u>District</u>
1. Town houses, and duplexes	3. \$1,127.00 / d. u. 2. \$1,314.00 / d. u.	\$1,000.00 / d. u.	\$856.73 / d. u.
2. Three commercial lots	N/A	N/A	To be determined with a use as a Type I review

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate (see Impact Fees Finding 1).

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Land Use - Signs

Any proposed sign or signs for this subdivision shall comply with the applicable sections of the sign ordinance, CCC 40.310 (see Land Use Finding 25).

F-2 Landscaping

Prior to the issuance of an approval of occupancy for a site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

G	Development Review Timelines Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Appeal Filing Deadline:

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;

- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$266**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

Public Service Center

**Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	✓	
Final Landscape Plan:	✓	
-On-site landscape plan	✓	
-Right-of-way landscape plan*	✓	
Final Wetland Plan		
Final Habitat Plan		

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.